

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

EMERGENCY STANDING ORDER

Eviction Resolution Program (ERP)

This standing order shall be deemed part of the most recent version of the Emergency Order of Snohomish County Superior Court. The specific findings made in that order are made part of this order and are adopted herein by reference. This order shall remain in effect from October 26, 2020 through December 31, 2020 unless otherwise extended or terminated by the Court.

1. **Additional Findings. It is recognized that:**

- A. Nearly one million people in Washington state have lost their jobs or have had employment hours severely curtailed because of the COVID-19 emergency;
- B. The mass loss of income has made it impossible for many tenants to keep current in residential rental payments.
- C. Various federal, state, and local orders have prohibited most evictions during the COVID-19 emergency, but such orders will be lifted at some point;
- D. Many landlords face hardship and significant loss of income due to the inability of tenants to keep current in their rent and the prohibition on evictions established by federal, state, and local eviction moratoria, as applicable;
- E. Many tenants currently face substantial arrearages and threat of eviction upon termination of state and local eviction moratoria;
- F. Court operations have been substantially curtailed since March 2020 due to COVID-19 and this court continues to face a substantial hearing backlog related to hearings and trials for civil, criminal, juvenile, and child welfare matters;

- 1 G. Given the administrative backlog this court is facing, the anticipated deluge of
2 unlawful detainer filings presents a threat to the ability of this Court to timely hear
3 and fairly decide such cases consistent with statutory deadlines, due process and
4 mandated procedures;
- 5 H. State and local rent-assistance programs offer the opportunity for immediate
6 assistance in addressing rent arrearages (or portions thereof);
- 7 I. It is understood that the local Dispute Resolution Center (DRC) and local housing
8 justice project (HJP) are prepared to assist tenants facing the threat of eviction and
9 help tenants resolve that threat through non-judicial processes including the
10 Eviction Resolution Program (ERP);
- 11 J. This court is one of six (6) counties that has agreed to participate in a pilot ERP;
- 12 K. It is anticipated that the number of unlawful detainer cases will be greatest in the
13 six (6) pilot counties;
- 14 L. The court designates that Commissioner Jacalyn Brudvik will serve as the
15 procedural point person to work with relevant stakeholders on the implementation
16 and ongoing administration of the ERP and certifies such designation has been
17 provided to AOC;
- 18 M. Any questions or concerns regarding this program should be communicated via
19 e-mail to SuperiorCourtAdmin@snoco.org;
- 20 N. The goal of the ERP is to divert residential unlawful detainer cases based on
21 nonpayment of rent through effective and fair conflict resolution and alternative
22 dispute resolution processes with the assistance of an impartial Eviction
23 Resolution Specialist (ERS) trained and provided by the local DRC while
24 ensuring tenants have access to community resources, including attorney
25 representation through the local Housing Justice Project (HJP), to reach a solution
that stabilizes households through relationship building;
- O. That **prior to** the expiration of any state and/or local eviction moratoria, the ERP
will encourage landlords and tenants to voluntarily participate in a structured
resolution process that offers a real prospect of resolving cases before they are
filed in court;

- 1 P. This standing Order is issued to specifically mandate use of the ERP *after*
2 expiration of any state and/or local eviction moratorium;
- 3 Q. The court recognizes that substantial questions of fact and law may be present in
4 unlawful detainer actions filed during the period eviction moratoria remain in
5 effect (including, but not limited to, whether the grounds alleged are allowable
6 bases for eviction while the moratoria are in place); and that chances for effective
7 resolution of these cases are enhanced by early notification to and involvement of
8 Eviction Resolution Specialists and attorneys for tenants. Therefore, any
9 residential unlawful detainer Complaint filed while eviction moratoria remain in
10 effect shall be accompanied by a certification that the plaintiff notified the local
11 DRC and HJP that a complaint will be filed and providing both with the Tenant's
(Tenants') last known contact information (address(es), telephone number(s), and
12 email(s)). The certification shall be in the form detailed in Paragraph 3 of the
13 Order hereinbelow.
- 14 R. The successfulness of the ERP depends on mandating its use in order to divert
15 unlawful detainer cases from the court thereby ensuring all court dockets are
16 managed effectively;
- 17 S. The local DRC has been contractually engaged by the Administrative Office of
18 the Courts (AOC) on behalf of the Superior Court and is an integral component of
19 the pilot ERP.

20 *NOW, THEREFORE,*

21 IT IS ORDERED THAT:

- 22 2. **ORDER.** Prior to filing a summons and complaint for nonpayment of rent, the landlord
23 or landlord's counsel, is:

- 24 A. ***Mandated to comply with*** ERP including Tier One and Tier Two processes once
25 the moratorium is lifted. Samples of the notices required under Tier One and Tier
two are attached hereto as Exhibit "A" and incorporated herein by reference; and

1 B. **Mandated to file** the ERP DRC Certification Form attached hereto as Exhibit B at
2 the time of filing a summons and complaint with the court once the moratorium is
3 lifted.

4 C. Any landlord that voluntarily follows the procedures set forth above in paragraphs
5 (A) and (B) prior to the lifting of the moratorium will be deemed to have followed
6 the requirements of paragraphs (A) and (B) above and need not do so again once
7 the moratorium is lifted. Any breach of an agreement by the tenant of an
8 agreement entered into between the landlord and tenant during the moratorium
9 period will be deemed satisfaction of paragraphs (A) and (B) above.

10 3. **ORDER.** Prior to serving and/or filing a summons and complaint during the moratoria,
11 the landlord or landlord's counsel shall: (A) send the tenant's last known contact
12 information (i.e. address(es), telephone number(s), and e-mail(s)) to the appropriate HJP
13 and DRC for this county via e-mail and/or mail; and (B) file a certification with the court
14 that states: I certify and declare under penalty of perjury under the laws of the state of
15 Washington that on _____ (the date prior to filing), that I e-mailed/mailed
16 notice of my intent to file a Complaint in Unlawful Detainer against Tenant
17 _____ (insert Tenant's name) along with the Tenant's last known
18 contact information (i.e. address(es), telephone number(s) and e-mail(s) to the
19 appropriate HJP and DRC for this county.

20 Failure of the landlord to comply with the conditions set forth in this order shall preclude the
21 landlord from seeking affirmative relief from the court.

22 DATED this ____ day of October, 2020.

23
24 _____
25 Judge Bruce I. Weiss